

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Phillips

Civil Action 10-0882

versus

Judge Tucker L. Melançon

Wyeth Inc., et al

Magistrate Judge C. Michael Hill

MEMORANDUM RULING

Before the Court is an unopposed¹ Motion For Judgment On The Pleadings filed by defendant Teva Pharmaceuticals USA, Inc. (“Teva”) [Rec. Doc. 60] against plaintiff Roberta Phillips. This case is identical to Civil Action Number, 6:09-1652, *Suzanne Guilbeau v. Wyeth, Inc.*, in all aspects with the exception of the identity of the plaintiff. As in *Guilbeau*, Teva filed the Motion for Judgment on the Pleadings at bar on September 1, 2011 moving the Court to enter judgment against plaintiff pursuant to Rule 12(c). *R. 91*. Also, just as in *Guilbeaux*, the motion is unopposed.

For the reasons stated by the Court in its Memorandum Ruling in Civil Action Number, 6:09-1652, *Suzanne Guilbeau v. Wyeth, Inc.*, the Court finds that plaintiff’s failure to warn under the Louisiana Products Liability Act is pre-empted and must be dismissed. Accordingly, Teva’s Motion for Judgment on the Pleadings will be granted.

¹ The deadline to file an opposition to Teva’s motion was September 25, 2011. *LR. 7.5 W.*